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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,263	05/29/2001	Mark J. Pivac	01-307L	5396

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EXAMINER

DRAPER, DEANN L

ART UNIT PAPER NUMBER

3616

DATE MAILED: 06/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,263

Applicant(s)

PIVAC, MARK J.

Examiner

Deanna L. Draper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Acknowledgements

The Information Disclosure Statement filed by the Applicant on August 23, 2001 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "said first trailer portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1, 4, 5, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Skotnikov et al. (US 6,311,795). Skotnikov discloses a work vehicle with a chassis (100 in Fig. 1), at least one ground engaging member (108 in Fig. 1), at least one elongate member having a first end rotatably coupled with the chassis (123b in Fig. 1) and a second end coupled to the ground engaging member (130 in Fig. 1), a controller (see Fig. 6), a position sensor generating a position signal indicative of an orientation of said elongate member to the chassis and relaying the position signal to the controller to change the chassis vertical height (156 in Fig. 1; Col. 4, lines 10 – 12 and 26 – 31). Skotnikov also discloses a hydraulic motor coupled to said second end for imparting motion to the ground engaging member (115 in Fig. 1). The position sensor on Skotnikov is coupled to the elongate member via the actuator (158 in Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skotnikov as applied to claims 1 and 14 above, and further in view of Pischke et al. (US 5,142,897). Skotnikov discloses the invention as claimed above, however the sensor is not a potentiometer. Pischke discloses a height measuring sensor that is a simple potentiometer (Col. 2, line 27) in order to measure a deviation in body height due to a change in load. Therefore it

would have been obvious to one having ordinary skill in the art at the time the invention was made to make the position sensor in Skotnikov a potentiometer in order to effectively measure a deviation in body height due to a change in load, as taught by Pischke.

Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skotnikov as applied to claims 1 and 14 above, and further in view of Ahonen (US 4,099,733). Skotnikov discloses the invention as claimed in Claim 1 and also states that the work vehicle in question can be a construction vehicle, tractor, or other agricultural vehicle, etc. (Col. 2, lines 49 – 52), however does not disclose a vehicle with a cab portion and first trailer portion hingedly coupled to the cab portion. Ahonen discloses a vehicle including a cab portion (5 in Fig. 1) with a first trailer portion hingedly coupled to and articulable relative to the cab portion (2 in Fig. 1) in order to carry a load or heavy machinery. Therefore, it would have been obvious to modify Skotnikov by making the agricultural vehicle one having a cab portion with a first trailer portion hingedly coupled to the cab portion in order to carry a load or heavy machinery, as taught by Ahonen.

Claims 6, 7, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skotnikov, and further in view of Rumminger (US 4,557,497). Skotnikov discloses the invention as claimed above, however does not disclose a cab and second trailer portion coupled to and articulable relative to the first trailer portion. Rumminger discloses a tandem trailer with a cab (10 in Fig. 1) and second trailer (14 in Fig. 1) coupled to and articulable relative to a first trailer portion (12 in Fig. 1) in order to obtain the load carrying ability of a large trailer without

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unduly limiting the unit's maneuvering capability. Therefore it would have been obvious to further modify Skotnikov by adding a cab and second trailer portion coupled to and articulable relative to the first trailer portion in order to obtain the load carrying ability of a large trailer without unduly limiting the unit's maneuvering capability, as taught by Rumminger.

Claims 8 – 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skotnikov, and further in view of Martin et al. (US 5,709,394). Skotnikov discloses the invention as claimed above, including a provision for using more than 4 wheels (Col. 3, lines 11 – 13; Col. 8, lines 61 – 63), however does not disclose a pendulum acting as a gravity operated roll sensor. Martin discloses a suspension means for a utility vehicle including a sensor (91) which may be a pendulum (Col. 9, line 21) in order to sense transverse inclination of the frame and level the vehicle. Therefore it would have been obvious to modify Skotnikov by using a pendulum as a gravity operated roll sensor in order to sense transverse inclination of the frame in order to level the vehicle transversely, as taught by Martin.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kempf et al. (US 5,865,444) discloses a body leveling suspension system including a pivoting arrangement. McColl (US 4,350,190) discloses a self propelled, off road vehicle. Kakizaki et al. (US 5,487,006) discloses a system for detecting road roughness for suspension control. Cote (US 4,861,065) discloses a suspension system for a bogie vehicle. Hanson et al. (US 5,415,586) discloses a combine harvester leveling system. Gallenberg (US 5,353,988)

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discloses a suspension assembly for a vehicle. Kyriacou (US 5,316,326) discloses a multi-purpose suspension system. Love et al. (US 5,178,402) discloses a leveling assembly for a vehicle. Rose et al. (US 3,930,550) discloses a vehicle drive and suspension. Shafer (US 4,750,751) discloses a pivoting axle for a hillside combine. Hart et al. (US 4,230,341) discloses a vehicle suspension system. Martin et al. (US 5,538,266) discloses a suspension means for a utility vehicle. Yokote et al. (US 4,787,644) discloses a height control system for an automobile. Mettetal (US 4,397,474) discloses a steering stabilizer and quick coupling assembly. Oswald et al. (US 4,702,843) discloses a control system for an adverse terrain vehicle.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deanna L. Draper whose telephone number is 703-306-5939. The examiner can normally be reached on Monday - Friday, 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DEANNA L. DRAPER
PATENT EXAMINER

dld
June 4, 2003

 6/9/03
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